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18 Attorneys for Defendants New York Life Insurance
19 Company and New York Life Insurance and
20 Annuity Corporation

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA

23 OLGA ORTMANN, as an individual
24 and on behalf of all others similarly
25 situated,

26 Plaintiff,

27 v.

28 NEW YORK LIFE INSURANCE
COMPANY, a corporation; NEW
YORK LIFE INSURANCE AND
ANNUITY CORPORATION, a
corporation; and DOES 1 through 20,
inclusive,

Defendants.

Case No. 3:07-CV-02506-WHA

**[PROPOSED] ORDER REGARDING
DEFENDANTS' MOTION TO STAY
OR TRANSFER THIS ACTION, OR,
IN THE ALTERNATIVE, TO
DISMISS PLAINTIFF'S FIRST,
SECOND, FOURTH, AND SIXTH
THROUGH TWELFTH CAUSES OF
ACTION PURSUANT TO THE
"FIRST-TO-FILE" RULE**

Judge: Hon. William Alsup
Date: July 5, 2007
Time: 8:00 a.m.
Courtroom: 9, 19th Floor

1 On July 5, 2007, Defendants New York Life Insurance Company and New
2 York Life Insurance and Annuity Corporation's Motion to Stay or Transfer This
3 Action, or, In the Alternative to Dismiss the First, Second, Fourth and Sixth
4 Through Twelfth Causes of Action Pursuant to the First-to-File Rule came on for
5 regularly scheduled hearing in Courtroom 9, of the United States District Court for
6 the Northern District of California, located at 450 Golden Gate Avenue, San
7 Francisco, California 94102. _____ appeared for Defendants and
8 _____ appeared for the Plaintiff.

9 Upon consideration of the pleadings, the papers, the arguments of counsel,
10 and with good cause shown, the Motion is hereby **GRANTED** in full.

11 The case is stayed [or transferred to the United States District Court, for the
12 Central District of California] [or Plaintiff's First, Second, Fourth and Sixth
13 through Twelfth causes of action in the Complaint are dismissed] pursuant to the
14 Ninth Circuit's "first-to-file" rule. Alltrade, Inc. v. Uniweld Products, Inc., 946
15 F.2d 622, 623 (9th Cir. 1991).

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18 **IT IS SO ORDERED**

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20
21
22 THE HONORABLE WILLIAM ALSUP

23
24 **RESPECTFULLY SUBMITTED BY:**

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